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Supplemental Report 11-06-118

On Tuesday June 7, 2011 at approximately 1819 hours I was dispatched to the La Joya car wash to assist Officer Michelle Ortega with a traffic stop. Dispatch advised Officer Ortega was administering field sobriety tests.

While in route dispatch was unable to make contact with Officer Ortega as they attempted to conduct a welfare check on the police radio. After hearing several unanswered attempts by dispatch I advised that I would be upgrading to a Code 3 response (emergency lights and siren). Officer Martin Vigil advised dispatch on the police radio that he would also be in route. After several minutes Officer Ortega answered the welfare check and advised she was ok but sounded to be winded and out of breath.

I arrived on scene shortly after immediately behind Officer Martin Vigil. Upon arrival I observed a female seated on the ground on the south east side of the car wash vacuum area. Near by I observed Officer Michelle Ortega standing and gasping for air. Officer Ortega appeared to have been involved in a scuffle as I observed her face to be very red, her hair was pulled out from the manner in which she usually keeps it, and her uniform was soiled and in disarray. The female on the ground was rolling about and was yelling that her eyes and face were burning. It appeared that the female had been maced.

I proceeded to Officer Ortega to check on her welfare. Officer Vigil proceeded to the female to restrain her as she only had one hand cuff on one of her wrists. As Officer Vigil attempted to place the other hand cuff on the female's wrist she began to pull her arm away and attempted to roll. I then proceeded over to the female and assisted Officer Vigil in hand cuffing the female.

After the female was restrained she identified herself as Dina Baum. The female then stated her name was Dianna Baum. The female was later positively identified as Shannon Baum. As I spoke to Shannon Baum at the scene I smelled a strong odor of alcoholic beverages emitting from her breath. I also observed her to speak with a very slurred speech.

As I retrieved Shannon Baum's purse and cell phone from the ground I located two empty half pint bottles of Vodka inside the purse. Inside the purse I also located an empty prescription bottle of Oxycodone with Shannon Baum's name listed as the patient on the label.

Paramedics arrived on scene shortly after and attended to Officer Ortega's injuries. Officer Ortega complained of severe pain in her knees, legs, upper back, shoulders, and neck. Officer Ortega was transported to the Espanola Hospital by paramedics for further examination.

The female was yelling and cursing and would not stay seated as instructed so I placed her in the back seat of my patrol unit. The female continued acting violently so I transported her to the Espanola Detention Center to continue the investigation and decontaminate her from the mace.

Upon arrival at the detention center Shannon Baum was decontaminated by flushing her face with water. Shannon Baum was then examined by paramedics at the jail and advised to continue the decontamination process.

After the decontamination was completed I advised Shannon Baum that she was under arrest for DWI. I read Shannon Baum the New Mexico Implied Consent Advisory. Shannon Baum stated yes when asked if she agreed to be tested but then immediately stated no that she was not the driver of the vehicle. I continued reading Shannon Baum the New Mexico Implied Consent Advisory indicating the consequences for a refusal. I again asked Shannon Baum if she agreed to be tested and she stated no.

I then proceeded to the Espanola Hospital to obtain a statement from Officer Ortega. Officer Ortega stated that she had arrived at the car wash to vacuum her patrol unit when she was approached by an employee. The employee requested for her to check on a patron that was washing her car stating that she appeared to be intoxicated. Officer Ortega then proceeded to the carwash bay and observed the female exiting the bay in her vehicle. She then observed the vehicle stop near the vacuums so she walked over to the vehicle and made contact with the driver.

Officer Ortega stated that as she spoke to the female she observed her to have blood shot watery eyes, slurred speech, and she smelled a strong odor of alcohol.

She requested the female to exit the vehicle to conduct field sobriety tests. The female exited the vehicle but remained near the driver door. The female was first administered the Eye Gaze Nystagmus Test. She stated the female had could not track the stimulus while the test was administered. The female also had difficulty maintaining her balance while performing the test.

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Officer Ortega then advised the female that for the next test she could remove her shoes if she wanted too. The female was wearing high heel open toe shoes. The female leaned against the driver door of the vehicle and began to take off her shoe. The female then stated "Fuck This" and put her shoe back on and jumped into the driver seat of the vehicle and attempted to start the vehicle. After a brief scuffle inside the vehicle Officer Ortega stated she prevented the female from starting the vehicle and removed the key from the ignition. As Officer Ortega was struggling with the female in the vehicle she stated she contacted dispatch on her hand held radio requesting immediate assistance.

Officer Ortega stated she then pulled the female out of the vehicle and they both fell to the ground. Officer Ortega stated she fell on her back and the female fell on top of her. The female then began to punch her with closed fist and pulled her hair. Officer Ortega and the female fought on the ground for several minutes. At one point during the fight the female positioned herself behind Officer Ortega and pulled on her hand gun which was secured in its holster stating several times "I'm Going to Kill You With Your Own Gun You Fucking Bitch"! Officer Ortega stated she was able to maintain weapon retention and prevented the female from removing the hand gun from the holster. The fight continued until Officer Ortega was able to subdue the female by deploying mace to her eyes. Officer Ortega stated Officer Vigil and I then arrived on scene.

Shannon Baum was booked into the Espanola Detention Center and charged accordingly.

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11-06-118**

On Tuesday, June 7th, 2011 at approximately 1810hrs I pulled into the Lo Joya car wash to vacuum out my patrol unit. I walked into the front office to get quarters from the worker inside. While inside the employee, Yvonne Gonzalez was on the phone so I then proceeded back to my patrol unit. I was then approached by another employee, Mr. Martin Gonzalez who stated to me that there was a woman in the last bay who seemed to be intoxicated.

I walked over to the bay and came in contact with the female rinsing her car. The female got back into her car and drove around to the vacuum cleaners just east of the car wash. I singled her to pull in and approached the female. The female got out of the car and stated "Can I help you!" I advised the female later identified as Shannon Baum why I needed to talk with her.

Ms. Baum stepped out of her vehicle and used the door for balance while exiting the vehicle. While talking with Ms. Baum I noticed her eyes were blood shot, and her speech was very slur. Ms. Baum stated that she was upset, and also stated that she just came from work in Los Alamos. Ms. Baum stated that her ex-husband must have called the police because she was arguing with him about the kids. I advised Mr. Baum that it was not her husband, but I will need to conduct a few field sobriety tests to make sure she is okay to drive.

I first conducted the gaze nystagmus where Ms. Baum was unable to follow the instructions on keeping her head still while she follow my pen with her eyes, and her eyes. Ms. Baum finally was able to follow my pen where I found several clues in the maximum deviation and smooth pursuit. I advised Ms. Baum that I did find some clues, and I would need for her to step away for her car to conduct a few more field sobriety test. Ms. Baum agreed. While talking with her I noticed a strong odor of alcohol coming from her person. I asked her if she had consumed any alcohol today. Ms. Baum advised me again that she just came from work. I also noticed that Ms. Baum had on high heel open toe shoes. I asked her if she felt comfortable to leave on her shoes or take them off. Ms. Baum stated she will remove them.

Ms. Baum placed her right hand on the open door, and picked up her right foot to remove her shoe with her left hand. Ms. Baum paused for a second and stated "Fuck this!" Ms. Baum jumped into the drivers seat. I jumped in after Ms. Baum as she was trying to start the vehicle and stepping on the gas. Ms. Baum was unable to put the car in drive I then fought with Ms. Baum a few moments as I turned off the car and removed the keys. I then yelled for assistance to dispatch while still in the vehicle. I yelled at Ms. Baum that I will mace her if she did not comply. Ms. Baum was still resisting. I was able to place on cuff on Ms. Baum and tried to remove her from the car. Ms. Baum put up a struggle when I did remove her we both fell to the ground. I was able to bring the left arm around to the back which did have the cuff on. Once I tried to bring back her right arm she rolled away from me causing me to fall to my hands and knees. I was able to grab Ms. Baum again by the cuff and yelled for her to stop resisting. Ms. Baum rolled again and started to pull on my hair, and strike me with closed fist. Ms. Baum was able to roll to the right side of me while we were rolling on the ground. Ms. Baum then started to tug on my duty weapon stating "I am going to kill you with you own gun bitch!" She repeated to say that about two more times. I was able to maintain weapon retention from preventing the female from removing my hand gun from my holster.

I could see a female standing watching from the first bay wash. Moments later I saw Martin and Yvonne come out of the front office. I then heard Martin running yelling for Ms. Baum to get off of me. Ms. Baum was then taken off of me and I was able to deploy my mace to prevent Ms. Baum from attacking again. I then called on the radio to dispatch that I was okay, and she had been mace. I was winded and out of breath I had inhaled some of the mace causing shortness of breath.

**Supplemental Report
11-06-118**

I then was seated in Officer Vigils patrol unit where I could feel my knees were hurting from rolling on the ground, and my upper part of my legs from trying to get back up. My arms, and back from trying to hold on to Ms. Baum from her resisting, and trying to hold onto my duty weapon.

I was transported to the Espanola Emergency Room where I was checked, and released for the mace and make sure my legs were ok. I do have a little bruising to both of my knees.

Ms. Baum was then arrested by Officer Greg Esparza.

Officer Michelle Ortega #8

**Supplemental Report
11-06-118**

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Ms. Baum was then arrested by Officer Greg Esparza.

Officer Michelle Ortega #8

A handwritten signature in black ink, appearing to read 'Michelle Ortega', with a stylized flourish extending from the end.

Magistrate Criminal Rule 6-201

STATE OF NEW MEXICO

IN THE MAGISTRATE COURT

SANTA FE COUNTY

STATE OF NEW MEXICO

v.

No. _____

NAME: BAUM, SHANNON
ADDRESS: COUNTY ROAD 41 HSE 125
CITY, STATE, ZIP: ALCALDE, NM. 87511
D.O.B. 11/22/76
S.S.N. 585-75-8259

Date Filed:

CRIMINAL COMPLAINT

CRIME: Aggravated battery upon a peace officer in the third degree (great bodily harm)

Attempt to commit a felony

Resisting, evading or obstructing an officer (fleeing, evading or attempting to evade)

Resisting, evading or obstructing an officer (resisting or abusing)

Driving under the influence of intoxicating liquor or drugs (2nd offense - aggravated, refusal)

(common name of offense or offenses)

The undersigned, under penalty of perjury complains and says that on or about the 7th day of JUNE, 20 11, in the County of Santa Fe, State of New Mexico, the above named defendant(s) did (here state the essential facts):

did unlawfully touch or apply force to the person of [Michelle Ortega], a peace officer in the lawful discharge of her duties, with intent to injure [Michelle Ortega], or another, and thereby inflicted great bodily harm to [Michelle Ortega],

did attempt to knowingly remove a firearm or weapon from the person of a [Michelle Ortega], a peace officer who was acting within the scope of his duties,

did intentionally flee, evade or attempt to evade [Michelle Ortega], an officer of this state, knowing that the officer was attempting to apprehend or arrest her,

did resist or abuse [Michelle Ortega], a [peace officer], in the lawful discharge of her duties,

did drive a vehicle or motor vehicle while under the influence of intoxicating liquor or drugs and refused to submit to chemical testing as provided for in the Implied Consent Act [NMSA 1978, §§ 66-8-105 to 66-8-112], and this constitutes a second offense,

contrary to Section(s) 30 22 25(A) & (C), 30 28 01(A) 30 22 27(A)(1), 30 22 01(B), 30 22 01(D), 66 8 102(D)(3), NMSA 1978

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

If Probable Cause Determination Required
Probable Cause Found ____: Not Found ____
(If not found, complaint dismissed &
defendant released)
Date: _____
Judge: _____

GREG ESPARZA 
Complainant

PATROLMAN EPD #20
Title, (if any)